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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,671	10/06/2004	Takayoshi Fujino	57545US004	3912
32692	7590	08/23/2006	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			CHAN, SING P	
			ART UNIT	PAPER NUMBER

1734

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,671	<b>Applicant(s)</b> FUJINO, TAKAYOSHI	
	<b>Examiner</b> Sing P. Chan	<b>Art Unit</b> 1734	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinozaki et al (WO 01/25077).

Regarding claims 14-18, Shinozaki et al discloses an apparatus for applying a tape to door sash frame. The apparatus includes an elastic roller (9), guide elements of pinching nip rollers (11a, 11b, and 11c), which the rollers includes a tapered surface, and the rollers are oriented in opposing direction and contacting the opposite sides of a projected line portion of the door sash frame. (See US equivalent patent 6,748,993, Col 6, lines 38-59 and Figures 12 and 13)

Regarding claim 19, Shinozaki et al discloses the nip rollers includes through hole in each roller, which is cylindrical and located together with the tapered portion between the first and second end of the rollers. (See Figures 15, 17, and 18)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinozaki et al (WO 01/25077) in view of Fujiwara (JP 2000-159212).

Regarding claims 1-9 and 11, Shinozaki et al discloses an apparatus for applying a tape to door sash frame. The apparatus includes an elastic roller (9), guide elements of pinching nip rollers (11a, 11b, and 11c), which the rollers includes a tapered surface or rounded edges, and the rollers are oriented in opposing direction and contacting the opposite sides of a projected line portion of the door sash frame (See US equivalent patent 6,748,993, Col 6, lines 38-59 and Figures 12 and 13), and a grip (6) and projection (8), which can be held by fingers to move the holding piece (3) away from the second holding piece (4) to either engage or disengage the door sash frame (See US equivalent patent 6,748,993, Col 5, lines 44-52 and Figure 2). Shinozaki et al discloses the nip rollers also included cylindrical rollers as the nip rollers as well as rollers with rounded edges or tapered edges. (See Figures 2 and 3) Shinozaki et al is silent as to the rollers includes frustoconical shape or roller with a first end with a first diameter, a second end having a second diameter smaller than the first diameter. However, providing frustoconical shape rollers as the guide rollers is well known and conventional as shown for example by Fujiwara. Fujiwara discloses an apparatus for applying adhesive tape to T-mold member. The apparatus includes guide rollers, which are either frustoconical shape or cylindrical with first end having a first diameter and a second end with a second diameter with the second diameter smaller than the first

diameter. (See English Machine translation of JP 2000-159212, Paragraph 2 and Figures 4, 5, 8 and d11)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide either a cylindrical, rounded, or frustoconical shaped guide rollers as disclosed by Fujiwara in the apparatus of Shinozaki et al, which they are all equivalents.

Regarding claim 10, Shinozaki et al discloses the nip rollers includes through hole in each roller, which is cylindrical and located together with the tapered portion between the first and second end of the rollers. (See Figures 15, 17, and 18)

#### ***Response to Arguments***

5. Applicant's arguments, see Page 7, lines 1-13, filed August 15, 2006, with respect to the rejection(s) of claim(s) 1-11 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the combination of Shinozaki et al and Fujiwara.

#### ***Transitional After Final Practice***

6. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's first submission after final filed on August 15, 2006 has been entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P. Chan whose telephone number is 571-272-

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1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Chan Sing P.*

SPC

GEORGE KOCH  
PRIMARY EXAMINER

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